

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: ☒ Application of: Ellison *et al.*  
☐ Patent of:

☒ Application No.: 09/173,531

☐ Patent No.:

☒ Filed: October 15, 1998

☐ Issued:

Group Art Unit: Not yet assigned

Examiner: Not Yet Assigned

For: **COMPOSITIONS AND METHODS FOR THE  
TREATMENT OF PRIMARY AND  
METASTATIC NEOPLASTIC DISEASES  
USING ARSENIC COMPOUNDS**

Attorney Docket No.: 7409-150

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
[37 CFR 1.9(f) and 1.27(c)] - Small Business Concern

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act in behalf of  
the concern identified below:

Name of concern PolaRx Biopharmaceuticals, Inc.  
Address of concern 787 Seventh Avenue, 48<sup>th</sup> floor, New York,  
New York 10019

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor(s) to convey rights to the small business concern with regard to the invention, entitled **"Compositions and Methods for the Treatment of Primary and Metastatic Neoplastic Diseases Using Arsenic Compounds"** by inventor(s) Ralph M. Ellison and Fred H. Mermelstein described in

- ☐ the specification filed herewith  
☒ application no. 09/173,531 filed October 15, 1998  
☐ patent no. issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any

concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

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Name of person signing Ralph M. Ellison  
Title of person other than owner Chief Executive Officer  
Address of person signing 787 Seventh Avenue, 48<sup>th</sup> Floor, New York, New York 10019

Signature  Date 9/15/99

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)